

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

*

v.

*** CRIMINAL NO. RDB 19 0438**

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JAMIE CLEMONS,

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Defendant.

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SUPPLEMENTAL NOTICE REGARDING EXPERT WITNESS TESTIMONY

The United States, pursuant to Federal Rule of Criminal Procedure Rule 16(a)(1)(G), hereby files this supplemental notice of intent to call expert witnesses in the above referenced case and herein includes references to disclosures related to their testimony. Prior notices (A) through (G), are incorporated.

H. DNA Lab Technician Lauren Williams: DNA Processing.

Absent stipulation, the United States intends to present the testimony and opinions of former Bureau of Alcohol, Tobacco, Firearms and Explosive (ATF) DNA Lab Technician Lauren Williams. The United States will seek to certify Ms. Williams as an expert in the field of DNA processing based on her qualifications, education, experience, and reliance on reliable methodology as accepted in her field of practice. Ms. Williams graduated from Penn State University in 2011 with a Bachelor's in Forensic Science. She has served in the forensic sciences field since that time, including as a DNA Lab Technician for the Department of Defense, ATF, and currently as a Criminalist III in the Santa Clara County (California) District Attorney's Crime Lab. During the course of her career, Ms. Williams has analyzed more than 300 pieces of evidence for the presence of DNA, using various instruments and techniques to identify where DNA may be found, and swabbing those areas for further DNA testing. Ms. Williams will testify about her

educational background and qualifications, as well as to the accepted scientific methodology used in analyzing and processing evidence for the presence of DNA profiles. Ms. Williams will provide general testimony explaining this methodology, including definitions and the meaning of terminology noted in her swab notes and on other ATF Forensic Lab forms prepared in connection with the investigation of this case, and to the DNA analysis conducted in this case and all results derived therefrom. More specifically, Ms. Williams will testify concerning all of the items that she attempted to collect DNA from, and the results as previously disclosed in discovery (Bate stamped pages: R-ATF-104-283, 285, 287, 309-10).

It is submitted that the testimony the government will introduce from Ms. Williams is not expert testimony under Federal Rules of Evidence 702, 703 and/or 705. Regardless, the government is providing this notice at this time out of an abundance of caution.

I. ATF Special Agent Lindsay Erbe and ATF Digital Collection Media Specialist Sukhpette Darhele.

Absent stipulation or the Court's acceptance of a certification under FRE 902(14), the United States intends to present the testimony of ATF Special Agent (SA) Lindsay Erbe and ATF Digital Media Collection Specialist/Desktop Engineer (DCMS) Sukhpette Darhele who analyzed digital evidence in this case. Both will testify regarding the imaging and analysis of a number of digital items seized in this case.

SA Erbe has been employed by ATF since 2014, prior to that, she served as a U.S. Capitol Police Officer for 11 years. Since 2017, after receiving training, SA Erbe has worked with the Mobile Extraction Team (MET) in the Digital Forensics Branch where she assists with the searches of cellular phones. SA Erbe has extracted data from a cell phone in excess of 100 times during the course of her career. She has testified in Court before regarding her extraction of data from cellular telephones. SA Erbe's notes and her curriculum vitae have been provided in discovery. (Bate

stamped pages: R ATF LBE 1-9, R CV 75-77).

DCMS Darhele holds a number of certifications, including with Cellebrite, Mobile Forensic Fundamentals, Computers, Cyber Crime, and Comp TIA. Mr. Darhele works at ATF's Digital Forensics Branch in the Advanced Mobile Device Support group. In that role, he has processed over 1000 digital devices. Mr. Darhele received two Apple iPhones, and was able to utilize a forensic tool called a GrayKey device to extract data, his procedures and efforts are detailed in reports and forensic notes already provided in discovery. (Bate stamped pages: R CV 71-74; R ATF 805-08, 1079-82, 1101-02, 1104

Collectively, SA Erbe, DCMS Darhele, and SSA Blake-Thomas (previous Notice of Expert Witness) completed the extraction of the two Apple iPhones seized from the defendant upon his arrest in this case. They will testify as to the process of performing the digital forensic extraction of these items and to the examination and analysis of them. These examinations occurred on exact images of the items in question, and included the use of forensic tools. The testimony is projected to cover operating procedure, methodologies employed, the forensic tools and software used, the completion of the exam, and relevant data identified as provided in the forensic reports.

It is submitted that the testimonies the government will introduce from SA Erbe and DCMS Darhele are not expert testimony under Federal Rules of Evidence 702, 703 and/or 705. Regardless, the government is providing this notice at this time out of an abundance of caution.

J. ATF Fingerprint Specialist Derrick Weems

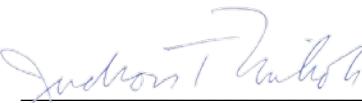
Absent stipulation, the government will call ATF Fingerprint Specialist Derrick Weems to testify regarding his analysis of evidence collected for the presence of latent fingerprints; ultimately, Specialist Weems was unable to identify prints suitable for comparison. Fingerprint Specialist Weems has over 21 years of experience in the field of fingerprint identification, and has

held a certification to do so for decades. He has examined hundreds of thousands of pieces of evidence for the presence of latent fingerprints, and has testified as an expert in the field of fingerprint identification twenty-nine (29) times. Specifically, in this case he examined two items of evidence, two charred plastic cups, but was unable to identify prints suitable for comparison. Fingerprint Specialist Weems will testify about the methods and procedures employed regarding fingerprint identification, and specifically about that analysis as applied to the items of evidence he examined; he will also discuss why other items that were collected from the scene were not examined for the presence of latent fingerprints. Discovery related to Fingerprint Specialist Weems's analysis and report, as well as his curriculum vitae have already been provided in discovery (Bate stamped pages: R ATF 1144-58, R ATF For 0002, R CV 78-82).

Respectfully submitted,

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